

WISHA REGIONAL DIRECTIVE

WISHA Services

Department of Labor and Industries

32.50 APPLICATION OF TRENCH REQUIREMENTS DURING RESCUES

Date Issued: August 9, 1996

I. Background:

The Director of Labor and Industries has adopted a substantially revised and updated version of the Washington Administrative Code (WAC) governing firefighter safety. These changes to Chapter 296-305 WAC take effect January 1, 1997. During the development of this new standard, the department had several conversations related to the application of WAC 296-155-650 through 296-155-66411 to firefighters engaged in trench rescues.

WAC 296-155-005 declares that Chapter 296-155 WAC (the construction standard) applies "to any and all work places subject to the Washington Industrial Safety and Health Act where construction, alteration, demolition, related inspection, and/or maintenance and repair work, including painting and decorating, is performed" and adds that "all industries must comply when engaged in the above listed types of work."

Effective January 1, 1997, WAC 296-305-05007(1) will require fire departments that engage in trench rescues to have a written program specifically related to such rescues; further, WAC 296-305-05007(2) will require firefighters engaged in such rescues either to be trained in an accredited 16-hour emergency trench rescue course (or equivalent) or to be under the direct supervision of an employee who is so trained. WRD 96-2 delays enforcement of the requirements of the new Chapter 296-305 WAC on all-volunteer departments until April 1, 1997.

II. Scope and Application:

This WISHA Regional Directive shall apply with respect to WISHA inspections and consultations performed in relation to fire departments engaged in trench rescue activities. It will remain in effect until January 1, 1997, for most fire departments and until April 1, 1997, for all-volunteer fire departments.

This WRD incorporates the substance of WISHA Interim Interpretative Memo #96-5-A, which is hereby repealed.

III. Interpretative Guidance:

To what requirements are fire departments subject when engaging in trench rescues?

Fire departments that are engaged in trench rescue activities in compliance with the requirements of the new WAC 296-305-05007 shall not be subject to citation related to such activities. The trenching requirements of WAC 296-155 do not apply to fire departments engaged in trench rescue activities.

IV. Special Inspection Protocols:

How should WISHA inspectors handle fire departments engaging in trench rescues?

If fire departments engaged in trench rescue activities are not in compliance with the requirements of the new WAC 296-305-05007, the need for such a program as of January 1, 1997 (or, in the case of all-volunteer fire departments, as of April 1, 1997) shall normally be "messed" on the citation; a citation shall be issued in such circumstances *only* if the inspector documents a clear violation of WAC 296-305-020 (accident prevention program), WAC 296-305-025(1) (management's responsibility), or WAC 296-305-035 (safe place standards).

Frank P. Leuck, Assistant Director
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